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4(f) despite the fact that there was no actual use of protected lands. Since then, federal courts have found constructive use of section 4(f) lands resulting from such impairments as increased noise, unsightliness, and impaired access. (See, e.g., Citizens Against Burlington, Inc. v. Busey, 938 F.2d 190, 202 (D.C. Cir. 1991) (holding noise from airport expansion would impact nearby park); Citizen Advocates for Responsible Expansion, Inc. v. Dole, 770 F.2d 423, 439 (5th Cir. 1985) (holding highway project would cause aesthetic and visual intrusion on protected park and historic buildings); Monroe County Conservation Council v. Adams, 566 F.2d 419, 424 (2d Cir. 1977) (holding highway would restrict access to park because nearby residents would have to cross four lanes of heavy traffic).

AS004-57 cont.

If a preferred alternative is chosen through a Final Program EIR/EIS adoption and a decision is made to proceed with a project which directly impacts 6(f) properties, it is the responsibility of the High-Speed Rail Authority to so inform (as the contractually responsible State Liaison Officer) the Office of Grants and Local Services of the California Department of Parks and Recreation in writing of their decision and their proposed compliance actions with a showing that they meet the prerequisites of CFR § 59(b). This notification will require us to inform the Pacific West Regional Director of the National Park Service for their consideration of the conversion request.

AS004-58

SPECIFIC STATE PARK SYSTEM UNIT COMMENTS

For all parks discussed below, visitor data and facility statistics are publicly available from the most recent State Park System Statistical Report for the 2001/2002 fiscal year, see: http://www.parks.ca.gov/pages/795/files/Statistical%20Report%202001-02.pdf.

Park descriptions may be obtained from park brochures and web sites see: http://www.parks.ca.gov/parkindex.

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Park purpose statements, which guide development at park units, may be found in the most recent park unit general or development plans or as addressed in system unit general planning processes in progress and published on the web. See compilation at: http://www.parks.ca.gov/pages/712/files/Purpose%20Statements%20Report.pdf.

Discussion of specific units of the California State Park System are presented by the regional areas used by the Draft Program EIR/EIS and by county, in a generally north to south order.

Bay Area to Merced Region

San Francisco Bay Area Parks: Parks under the direct administration of the California Department of Parks and Recreation in proximity to proposed HST routes in the San Francisco Bay Area are Eastshore State Park State Seashore (including the Albany and Emeryville Crescent State Marine Reserves), Candlestick Point State

AS004-60

Recreation Area, and the recent Martial Cottle Park Project acquisition (a major unclassified unit). Robert W. Crown Memorial State Beach and San Bruno Mountain State Park, while part of the State Park System, are operated under agreements with the East Bay Regional Park District and the County of San Mateo respectively. Roads, bikeways, pedestrian paths, and local and regional public transit systems provide access to these parks. If the HST options to serve the Bay area are implemented, there could conceivably be some increase of visitation to the parks but this is not addressed in the Draft Program EIR/EIS.

AS004-60 cont.

Henry W. Coe State Park: This park is located midway between the San Francisco Bay Area and the San Joaquin Valley. At 89,042 acres, it is the second largest unit in California's State Park System. Of this, 23,300 acres comprise the Henry W. Coe State Wilderness (commonly referred to as Orestimba Wilderness), which comprises 26% of the total unit. This unit of the State Wilderness Preservation System (PRC § 5093.33(a)) was established in May 1985 by resolution 33-85 of the California State Park and Recreation Commission. This park is the core of a largely protected landscape area connecting the San Joaquin Valley with the Santa Clara Valley's eastern foothills.

Natural resource protection is a primary management objective for units classified as State Wilderness in which the main goal is to protect and restore natural ecological processes, features, and wilderness character. State Wildernesses, in contrast with those areas where man and his own works dominate the landscape, are recognized as areas where the earth and its community of life are untrammeled by man and where man himself is a visitor who does not remain. State Wildernesses are therefore areas of undeveloped lands that have retained their primeval character and influence or have been substantially restored to a near-natural appearance.

AS004-61

To manage State Wildernesses, in order to protect and preserve their natural conditions, PRC § 5093.36(b) provides that there shall be no commercial enterprise and no permanent or temporary road within any wilderness area and no other form of mechanical transport, and no structure or installation within any wilderness area. A Wilderness Classification is more than a surface application. California Civil Code § 659 supports our Counsel's opinion that classification by the California State Park and Recreation Commission applies below the ground surface as well as above.

Both the "Minimize tunnel" and "Tunnel under park" options would transect the State Wilderness of Henry W. Coe State Park either with a combined at-grade and tunnel design or a wholly tunnel alignment. Both options would negate the viability of the wilderness classification and destroy the public's wilderness experience during both the construction and operation phases. Periodic noise well above the existing ambient background, imposition of unnatural linear features, and cuts and fills would all forever change the characteristic sense of solitude and remoteness of this scenic and historic landscape. For these reasons alone, these two options should be rejected from further

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consideration. To obtrude either of these two alternatives routes would effectively remove the very basis upon which the designation of this rare urban-proximate wilderness area is founded and result, we believe, in its declassification. This would be a precedent-setting first for the State of California that we do not believe is supported by the general public.

The Draft Program EIR/EIS does not adequately address design and construction phase impacts through this park and wilderness. Impacts to enter the wilderness to collect environmental and engineering data, construction access routes, storage and corporation yards, above-ground structures for tunnel egress, ventilation structures and maintenance requirements must be specifically addressed in the next phase of the environmental review process, as must identification and protection of riparian, wetland and other critical habitats vital to listed and sensitive plant and animal species. Short and long-term mitigation, restoration and remediation measures for these impacts need to be proposed in subsequent detailed environmental documents.

Impacts of tunnel construction and cuts and fills on aquifers may include reduction of critical surface water supplies for wildlife and recreation needs. The "High-Speed Train Alternative" discussion on page 3.14-12 specifically acknowledges that shallow groundwater at potential tunneling sites could be affected by dewatering. However, groundwater mitigation proposed on page 3.14-19, while suggesting minimization of such impacts, does not guarantee provision of water that is necessary for wildlife habitat, sensitive species, and recreational purposes in this area subject to seasonal drought. It is imperative that subsequent analyses not only identify (page 3.14-20) shallow groundwater areas but also make provision for full and adequate mitigation prior to construction if these alternatives are selected. AS004-61 cont.

The "Northern Tunnel" option consists of at-grade and tunnel segments to the north of the park boundaries. Aside from its location, it has the same crucial problems as the "Minimize Tunnel" option. Like the other proposed Diablo Range crossing alternatives, a dedicated and fenced right-of-way impacts critical wildlife movement in the Diablo Range. Existing and ongoing conservation efforts in the Diablo Range will be fragmented. The Henry W. Coe State Wilderness is renowned, not only for its relative purity as a wilderness area, but as being an important and critical part of a greater intact ecosystem. HST construction and operations in the functional buffer around the wilderness area means fences that can constrict wildlife movement, cuts and fills that diminish vegetative cover, habitat degradation from compacted surfaces, access roads and construction-disturbed surfaces in the range of park wildlife.

Of the four alternative routes proposed through the Diablo Range, the "Pacheco Pass" option offers the potential for the least impact to Henry W. State Park by utilizing an existing transportation corridor. However, as in the other options, the potential exists for exacerbating habitat fragmentation depending upon decisions for a dedicated right-of-way and provision for wildlife crossings. Construction impact problems similar to the

other at-grade and partial tunnel options also exist. This alignment also has potential to adversely impact the San Luis Reservoir State Recreation Area/Pacheco State Park complex of recreation lands to the east (see discussion below). Mitigation and subsequent analysis recommended for the other project corridor alternatives should be performed for this alternative as well, if selected.

Mitigation proposed for impacts to this park (as for all Park System Units) by these or other alternative route corridors, must replace the full biological productivity and recreational opportunity, both in kind and in area. AS004-61 cont.

It is the position of California State Parks that all of the proposed Diablo Range alternative corridor crossings result in unacceptable significant adverse impacts. As discussed in "ALTERNATIVES", a route through the Altamont Pass area should be evaluated in comparison to the threats to parklands posed by the presented alignment options. The hub-and-spoke model previously discussed in that section has potential to fulfill ridership objectives without harming this and the other Diablo Range State Park System Units.

Pacheco State Park: The proposed southernmost HST alignment passes outside the park's boundaries well above State Route 152 and California Department of Fish and Game's Upper and the Lower Cottonwood Wildlife Areas and includes extensive tunneling. The topography in the immediate area consists of steep hills that restrict vistas to canyons and adjacent slopes and ridges. Broad vistas in the area are only available from ridge tops. Given that insufficient detail is available in either the emerging Pacheco State Park master plan or the HST draft EIR, it is not now possible to know whether the construction activity and on-grade segments can be seen or perceived from the park. However, the draft park master plan speaks to the importance of the facility as a remnant of the historic California landscape. It is thus possible that the HST project could intrude on the perception of old, rural California. This factor should be addressed in subsequent detailed HST plans if the Pacheco Pass alignment is ultimately selected. AS004-62

Major impacts will occur during construction and operation. Dislocations to park operations during construction should be described and if necessary mitigated in the subsequent detailed EIR. At-grade segments of this alignment in the proposed corridor will impact wildlife corridors, wildlife habitat, viewshed, and increase existing noise levels. But as noted in our "ALTERNATIVE" comments above, a better alternative would be to de-select the Diablo crossing routes altogether, thereby sparing the open space recreation resources in the Mt. Hamilton and Pacheco Pass environs.

San Luis Reservoir State Recreation Area: The HST alignment at this park would skirt the State Recreation Area's San Luis Creek area, cross the park's connection to the California aqueduct bikeway and an existing campground in the near proximity of the California Department of Fish and Game's O'Neill Forebay Wildlife Area. It would also pass through the California Department of Fish and Game's Upper Cottonwood AS004-63

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Creek Wildlife Area and bisect The Nature Conservancy's Romero Ranch conservation easement area. Those agencies have joined their management efforts through the park's general plan process currently in place.

The San Luis Reservoir State Recreation Area general plan process does not address the HST proposal. It is instead focused on natural values of the resource and the recreation activities that can be supported without harming those resources. If the HST were routed along this corridor option, those resources would be threatened. Route construction and the eventual disturbances by passing trains would diminish the core wildlife, such as the kit fox, due to habitat fragmentation and dedicated right-of-way closing wildlife corridors.

Recreation values of the adjoining lands would also be diminished. For instance, impacts to an area just across the bay from the current campground, where there is potential for additional day-use and camping, may be pre-empted by this proposal as eventual road service to this area may be eliminated by the HST. Construction activity, noise, dust and impairment of scenic vistas would lessen the sense of openness that currently pervades the park. If construction or an operating corridor would adversely impact visitation or campground use, in-kind mitigation and restoration of lost revenue should be required.

AS004-63 cont.

While the Northern Tunnel option would avoid impacts to this unit of the State Park System as discussed in the previous section of our comments addressing Henry W. Coe State Park, a preferred alignment would be an Altamont Pass option which would avoid impacts to all parks and conservation lands in the Diablo Range.

If a station for the HST system in the Los Banos area is selected, shuttle service or rental car capability to facilitate public access to Pacheco State Park and San Luis Reservoir State Recreation Area should be considered.

McConnell State Recreation Area: This recreation area lies in a triangle created by three possible alignments as the HST route moves between the Bay Area and Fresno, Sacramento and Fresno, and Sacramento and the Bay Area. Depending on alignment selection, passing trains could interfere with nearly 2.5 miles of the recreational boating experience associated with the park. De-selection of the Diablo Range crossings and UPRR routes would eliminate the most troublesome alignments. Sound walls might mitigate noise aspects, but there would remain potential visual impact to recreation use as the tracks cross the river. Besides addressing these possible impacts and providing appropriate mitigation, construction and operation may cause a loss of public access resulting in decreased visitation and revenue. Alternative access and revenue restoration are possible mitigations.

AS004-64

Sacramento to Bakersfield Region

Old Sacramento State Historic Park: This park exists near the proposed Sacramento northern terminus of the HST line, which may result in increased visitation for the California State Railroad Museum and its proposed adjacent expansion facility, the "Railroad Technology Museum at the Southern Pacific Railroad Sacramento Shops." The California State Railroad Museum currently attracts 530,000 visitors to Old Sacramento a year. Its proposed expansion would establish a similar large magnitude facility. If the proposed HST line is completed to Sacramento, these railroad-themed destinations and other Old Sacramento attractions are within walking distance or by public transit for HST travelers as are the state's other historic sites (the California State Capitol Museum, Governor's Mansion State Historic Park, Sutter's Fort State Historic Park, the State Indian Museum, and the Leland Stanford Mansion State Historic Park), in downtown Sacramento. The HST proposal to serve the Sacramento area requires that the impact of increased visitation to these parks be addressed in the Draft Program EIR/EIS. In particular, the cumulative impact of the HST proposal with other current major projects in the vicinity, including the Railroad Technology Museum at the Southern Pacific Railroad Sacramento Shops, several proposals for major downtown stadiums and residential/commercial use developments of the historic Southern Pacific Rail Yards must also be addressed.

AS004-65

Stone Lake property: This property is a major unclassified unit of the State Park System and within the boundaries of the 18,000-acre Stone Lake National Wildlife Refuge in southern Sacramento County. The Draft Program EIR/EIS presents two alignment options between Stockton and Sacramento. The western UPRR alignment would cross the Cosumnes River just west of Highway 99. This crossing would intersect a potential network of waterways and trail corridors essential to public recreation activity associated with the sub-region's wildlife habitat–wildlife viewing, nature appreciation, etc. The eastern proposal or CCT alignment is preferred over the UPRR alignment. While the CCT alignment bisects the Cosumnes River open space and wildlife complex, this eastern alignment is farther from the core area of the complex and would thus pose relatively fewer impacts on wildlife and related open space recreation use.

AS004-66

Colonel Allensworth State Historic Park: This park encompasses the historic 240-acre Allensworth townsite in southwestern Tulare County in which nearly $8,000,000 has been invested in the past five years for park improvements . This park is part of a complex of public lands of the immediate area including the Pixley National Wildlife Refuge, Kern National Wildlife Refuge and the California Department of Fish and Game's Allensworth Ecological Reserve. Recreation use of those lands, accessed by automobile, foot, or bicycle includes camping, picnicking, wildlife viewing, environmental and historic education, wildlife interpretation, and hunting. The proposed HST right-of-way will follow the existing Burlington Northern tracks which run along the western boundary of the Pixley Refuge and lie between Colonel Allensworth State Historic Park on the west side and State Route 43 and Allensworth Ecological Reserve on the east side. It is not clear from the Draft Program EIR/EIS if use of this existing rail corridor by

AS004-67

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a dedicated at-grade HST alignment will require additional area necessitating moving the highway or infringing on parklands. As this is clarified in subsequent more specific environmental documents, we can provide more detailed comments.

As access to the town and the park is currently by way of two at-grade railroad crossings, access to the park is an issue that must be addressed. While not at its historic location, reconstruction of the town's 1914 rail stop is currently under development with the placement of two restored period boxcars. The "train station" site has been a component of the park's interpretation program and this function will increase with the completion of the current project. Amtrak service is also provided at this site when reservations are made in advance and is popular during the several community festivals (such as the Juneteenth celebration) that occur each year. Any loss or interruption of park access requires alternative service. Loss of park facilities requires in-kind replacement while lost revenue requires restoration.

We are concerned that frequent high-speed trains passing in close proximity to this park will cause unmitigatable visual, noise, and vibration impacts if the BNRR route is selected. A modern HST corridor with overhead catenary structures would be out of character with the National Historic Site and would degrade the historic landscape. Frequent train passage may affect campers, and at times, our guided tours. While disruptions caused by the passing HST trains can be minimized by a sound barrier, such a barrier would be a visual intrusion and also mar the character and historic quality of the park. Historic structures located on light flood-prone soils may be particularly subject to vibration. Each of these potential impacts must be addressed in the HST Draft Program EIR/EIS. AS004-67 cont.

The area surrounding Colonel Allensworth State Historic Park is flood-prone, which while serving a valuable function to the nearby wildlife refuges, could become an increasing problem if the proposed HST route does not adequately address drainage problems associated with the new development.

Use of the eastern Union Pacific Railroad alignment alternative would eliminate our concerns with the above-identified issues. We recommend its adoption as a superior alternative.

Bakersfield to Los Angeles Region

Fort Tejon State Historic Park: The draft EIR presents the nearest proposed HST alignment to be a tunnel in this portion of its route and about three miles distant from this park's boundary. If this alternative is used as illustrated it will bypass the park with minimal affect, although construction impacts should be addressed in the more specific environmental document. In the event further study dictates use of at-grade or elevated segments in closer proximity to the park, such as along the existing I-5 corridor, there may be significant visual impacts and changes in visitation patterns and the recreational experience available in the park. Depending upon the route selected and the AS004-68

information presented in the yet-to-be drafted specific environmental document, additional comments may be provided by this Department with suggestions for mitigation. AS004-68 cont.

Hungry Valley State Vehicular Recreation Area: The HST Bakersfield-to-Sylmar alignment proposes an at-grade route near the northeastern park boundary and passes through the park on its eastern border. The portions of the park affected are the 4,000-acre Valley Needle Grass Grassland Management Area (classified as "very sensitive" by the California Department of Fish and Game), which offers park visitors a network of trails among some of the few native grasslands left in California, the "Quail Canyon Special Events Area" and the "Designated Trails Area". Because of this, the HST could adversely impact the recreational use of the Management Area, both during construction and afterwards. These areas are already bordered by Interstate 5. Passing HST trains would add an increment of additional disturbance. While train noise would not necessarily interfere with off-highway vehicle trail use, the passing trains could possibly affect the enjoyment of riding an off-highway motor vehicle in a natural setting.

Hungry Valley and lands to the east of it (including both the I-5 and SR58 corridor alternatives) are critical segments of the landscape linkages between the Transverse Range, Tehachapi Mountains and southern Sierra Nevada. Private landowners, non-profit organizations, and governmental agencies are working together to protect this critical habitat and linkage area of statewide importance. Connectivity could be significantly impacted and, therefore, should be thoroughly analyzed. AS004-69

As discussed in the above section addressing section 3.13 and 3.14 of the Draft Program EIR/EIS, Fort Tejon State Historic Park and Hungry Valley State Vehicular Recreation Area are in proximity to both the San Andreas and Garlock Faults, which intersect at the Northern Border of Hungry Valley State Vehicular Recreation Area. Historic earthquakes along these faults have generated 8+ Richter magnitude motion and caused liquefaction along fault traces potentially resulting in structural problems with associated impacts to these parks and their access. In the 1990's, during construction of a small tunnel for pipeline infrastructure, these highly fractured ones caused interruption of water transport within the aquifer serving Hungry Valley State Vehicular Recreation Area. If the HST corridor across the Grapevine is chosen, site-specific studies to identify hydrological areas serving these parks should be identified and construction methods and facilities chosen which will not repeat this impact to the aquifer.

If necessary approval is obtained for a HST route through Hungry Valley State Vehicular Recreation Area and mitigation for impacts to the Valley Needle Grass Grassland Management Area are granted, construction equipment will require a vehicle cleaning station (to wash undercarriages etc.) to assure protection to exotic plants from outside the area, and tarps under heavy equipment to catch grease/oil. Following

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completion, revegetation with local native plants and a plan for ongoing control of exotic flora will be required, as well as other mitigations deemed necessary following review of any subsequent specific environmental documents.

As elsewhere, construction activity and the presence of a dedicated HST right-of-way will cause disruption of wildlife corridors both within the park and from outside through Hungry Valley and to the Tejon Ranch. Appropriately designed and strategically placed wildlife crossings, under or over-crossings, should be investigated during the subsequent detailed environmental investigation and constructed.

It is our understanding from the Draft Program EIR/EIS that completed HST corridors except for stations and locomotive headlamps will not be lighted. However, during the multi-year construction phase there is potential for night, security and construction lighting to impact animals and insects of Hungry Valley as well as astronomical use of Mount Pinos. Light control, shading, and daylight-hours only operations should be required as mitigation. Other visual intrusions include addition of another major linear feature in the viewshed. Hungry Valley State Vehicular Recreation Area is a popular location during the wildflower season for which the park provides guided and self-guided tours. Detailed analysis of viewshed impacts to these and other park-associated activities should be provided and appropriate mitigation proposed. AS004-69 cont.

As for other parks where construction and operation activities may disrupt, close, or cause a decrease in park visitation (such as at this park's Quail Canyon Special Event Area which includes a concession operation), the concessionaire and park must be made whole for any loss of income.

Castaic Lake State Recreation Area: The HST Bakersfield-to-Sylmar alignment is proposed to be both at-grade and elevated as it passes above the park along its southwest side. The natural setting and recreational experience will be cumulatively affected as this linear alignment and noise generator is added to the existing I-5 corridor. Revegetation with locally obtained native species to screen and reduce potential sedimentation of the recreational lakes is required to help reduce these impacts. As with other parks, lack of specificity in the Draft Program EIR/EIS does not provide sufficient detail to determine if public access to this State Recreation Area will be restricted. If subsequent specific environmental documents reveal that access may be limited, alternative routes and restoration of lost revenue to the unit's operator, the County of Los Angeles, must be provided. AS004-70

Taylor Yard Property: Recreation at the Taylor Yard property could be compromised if the HST project follows an elevated rail line along the northeastern park boundary as proposed. That alternative may interfere (visually and through disturbances caused by additional passing trains) with the intent of the park plan to provide a natural setting for recreation as a respite from urbanization. Taylor Yard is adjacent to one of last remaining remnants of soft-bottomed, riparian channels in the predominately concrete AS004-71

Los Angeles River. Over 300 species of birds find this section of river an essential stopover along the Pacific Flyway. Migrating birds stop for food and rest, and some birds are found year-round, nesting and breeding. About half of the total recorded birds in Los Angeles County have even been spotted along the soft-bottomed portions of the river.

The Taylor Yard properties will not be physically affected if the HST alignment follows the route southwest of the Los Angeles River. That alignment is preferred, except that it has greater potential to conflict with the recreation use of the Cornfield property two miles south. AS004-71 cont.

Proposed alternative HST corridors impacting both the Taylor Yard and Cornfield properties clearly raise the environmental justice issue which is discussed in more detail in the subsequent, "Cornfield Property" section.

Cornfield Property: The Cornfield property was the site of a recent hard-fought community battle to stop industrial development and secure the site for badly needed public open space. Purchased by California State Parks for $33 million, the site will be transformed from a former rail yard and brownfield into a verdant park and gathering place to celebrate, examine, and experience over 10,000 years of history and culture of Los Angeles. It has long been considered one of the most important cultural sites in Los Angeles, as it is tied closely to the story of the area from the earliest human settlements. Indigenous Native American tribes lived in the area for as long as 9,000 years. The site includes portions of the village of Yangna, the site for Spanish colonization of the area with the establishment of El Pueblo de Los Angeles. Also found here are fragments of "Zanja Madre" (the original water system dating from 1789 that supplied water to Spanish settlement of El Pueblo de Los Angeles), and other archeological sites with significant subsurface historic structures including foundations from the historic Southern Pacific Railroad Riverside Station (circa 1873). AS004-72

The Draft Program EIR/EIS seems to present a number of alternative HST corridor routes. If the HST alignment tunnels under the park entirely and emerges towards the downtown area in a way that conflicts with the view of downtown Los Angeles, the notion of Cornfield as a vantage point for a welcoming view of the city will be seriously compromised. Substantial mitigation would have to be established, perhaps involving far more tunneling than currently envisioned for this alignment. If the HST alignment involves emerging from the tunnel while on the Cornfield site, the open space and related recreation values of the property will be diminished along with the view. This alignment particularly threatens future uses including recreational open space and the proposed Los Angeles History Interpretive Center of Statewide significance. If the HST alignment involves an elevated line that crosses the river to the south of the Cornfield site, the view of downtown Los Angeles from the site could be compromised. Unfortunately, the northeasterly HST alignment across the river would be preferred, except that such an alignment might impact the Taylor Yard property to the north.